

Remarks of Senator Jim Webb
Subcommittee on Crime and Drugs
U.S. Senate Committee on the Judiciary
Hearing on the National Criminal Justice Commission Act of 2009
June 11, 2009

I would like to thank you, Chairman Specter, and Ranking Member Graham for the opportunity to speak today and for cosponsoring the National Criminal Justice Commission Act of 2009. I know full well your own work in this area over many, many years and appreciate your support in this endeavor. I look forward to continuing to work with both the Subcommittee on Crime and Drugs and the Judiciary Committee to move this bill forward.

We find ourselves as a nation in the midst of a profound, deeply corrosive crisis that we have largely been ignoring at our peril.

The national disgrace of our present criminal justice system does not present us with the horrifying immediacy of the 9/11 attacks on the Twin Towers and the Pentagon, which in the end rallied our nation to combat international terrorism. It is not as visibly threatening as the recent crash in our economy.

But the disintegration of this system, day by day and year by year, and the movement toward mass incarceration, with very little attention being paid to clear standards of prison administration or meaningful avenues of re-entry for those who have served their time, is dramatically affecting millions of lives, draining billions of dollars from our economy, destroying notions of neighborhood and family in hundreds of communities across the country, and – most importantly – it is not making our country a safer or a fairer place.

It is in the interest of every American, in every community across this land, that we thoroughly re-examine our entire criminal justice system in a way that allows us to interconnect all of its different aspects when it comes to finding proper approaches and solutions to each different component part. I am convinced that the most appropriate way to conduct this examination is through a Presidential level commission, tasked to bring forth specific findings and recommendations for the Congress to consider and, where appropriate, enact.

The National Criminal Justice Commission Act of 2009 is a product of thought, research, and reflection as an attorney, a writer, including time as a journalist twenty-five years ago, when I examined the Japanese prison system for a cover story in Parade Magazine, and as a government official.

Here in the Senate I am grateful that Senator Schumer and the Joint Economic Committee allowed us the venue of that committee to conduct hearings on the impact of mass incarceration and drugs policy. I also appreciate working with George Mason University to put together a symposium bringing people in from across the country to talk about drug policy, and collaborating with other institutions working on these issues, such as the Brookings Institution.

Once we started examining this issue over the last year people from all across the country reached out to us -- people from every political and philosophical perspective that comes into play and from all walks of life.

Since I introduced the National Criminal Justice Commission Act of 2009 two months ago, we have seen an even greater outpouring of interest in and support for the bill. My office has engaged with more than 100 organizations, representing prosecutors, judges, defense lawyers, former offenders, advocacy groups, think tanks, victims rights organizations, academics, prisoners, and law enforcement. In the Senate, twenty-eight of my colleagues have joined me on this bill.

The goal of this legislation is to establish a national commission to examine and reshape America's entire criminal justice system, the first such effort in more than forty years.

The duties of the Commission would include making policy recommendations designed to:

- re-focus incarceration policies on criminal activities that threaten public safety;
- lower the incarceration rate, prioritizing public safety, crime reduction, and fairness;
- decrease prison violence;
- improve prison administration;
- establish meaningful re-entry programs for former offenders;
- reform drug laws;
- improve treatment of the mentally ill;
- improve responses to international & domestic criminal activity by gangs & cartels;
- and reform any other aspect of the criminal justice system the Commission determines necessary.

The Commission will be a blue-ribbon, bi-partisan panel of experts appointed by the President, the Majority and Minority Leaders in the Senate, the

Speaker and Minority Leader in the House, and the Democratic and Republican Governors Associations.

The scope of the problem is vast: we have 5% of the world's population but 25% of the world's known prison population. 7.3 million Americans are incarcerated, on probation or on parole. 2.38 million Americans are in prison – five times the world's average incarceration rate. From early in the last century until the 1980s, the number of people in prison hovered below 500,000. In the 1980s it began to skyrocket.

The elephant in the room in many discussions on the criminal justice system is the sharp increase in drug incarceration over the past three decades. Incarcerated drug offenders have soared 1200% since 1980, up from 41,000 to 500,000 by 2008. A significant percentage of persons incarcerated for drug offenses have no history of violence or high-level drug activity.

Four times as many mentally ill people are in prisons than in mental health hospitals, roughly 350,000 compared to 80,000.

African Americans are far more likely to be incarcerated for drug offenses than other groups. African Americans are 12% of the U.S. population, 14% of monthly drug users, yet are 37% of those arrested on drug charges, 59% of those convicted on drug charges, 74% of drug offenders sentenced to prison.

Corrections officers and offenders face dire conditions in many overcrowded and violent prisons. The prison system offers limited opportunities for career progression, inadequate training, potentially violent working conditions, high administrator turnover, and low accountability. In 2007, 60,500 prison inmates reported sexual victimization.

There are an estimated 1 million gang members in the United States, many of them foreign-based. Every American neighborhood is vulnerable. Gangs commit 80% of the crime in some locations. Mexican cartels, which are military-capable, have operations in 230+ U.S. cities. U.S. gangs are involved in cross-border criminal activity, working in partnership with these cartels.

We need to take a comprehensive look at our criminal justice system, including all of these issues. As a nation, we can spend our money more effectively, reduce crime and violence, reduce the prison population, and create a fairer system. It is time to take stock of what is broken and what works and modify our criminal justice policies accordingly.

Once again, I appreciate the opportunity afforded by the Chairman and Ranking Member to speak today. I would also like to thank the distinguished witnesses who have kindly agreed to give their remarks.